



PATENT  
Attorney Docket No. CONLINCO-08440


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Daria Jerome *et al.*  
Serial No.: 10/700,000  
Filed: 11/03/03  
Entitled: **Isomer Enriched Conjugated Linoleic Acid  
Compositions**

Group No.:  
Examiner:

**INFORMATION DISCLOSURE  
STATEMENT TRANSMITTAL**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

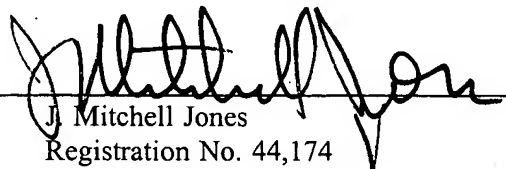
<b>CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)(1)(i)(A)</b>	
I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is, on the date shown below, being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
Dated: <u>March 22, 2004</u>	By:  Mary Ellen Waite

Sir or Madam:

Enclosed please find an Information Disclosure Statement and Form PTO-1449, including copies of the references contained thereon, for filing in the U.S. Patent and Trademark Office.

This Information Disclosure Statement and PTO Form-1449 is being filed before the issuance of a first Office Action and Applicant's believe no fee is required, but if the Commissioner deems otherwise, the Commissioner is hereby authorized to charge any additional fee or credit overpayment to our Deposit Account No. 08-1290. **An originally executed duplicate of this transmittal is enclosed for this purpose.**

Dated: March 22, 2004

  
J. Mitchell Jones  
Registration No. 44,174

MEDLEN & CARROLL, LLP  
101 Howard Street, Suite 350  
San Francisco, California 94105  
608/218-6900



**THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Jerome *et al.*

Serial No.: 10/700,000

Group No.: 1621

Filed: 11/03/03

Examiner: D. Carr

Entitled: **Isomer Enriched Conjugated Linoleic Acid  
Compositions.**

## INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATE OF MAILING UNDER 37 CFR § 1.8(a)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on **March 22, 2004**.

By: \_\_\_\_\_

Mary Ellen Waite

Sir or Madam:

The citations listed below, copies attached, may be material to the examination of the above-identified application, and are therefore submitted in compliance with the duty of disclosure defined in 37 C.F.R. §§ 1.56 and 1.97. The Examiner is requested to make these citations of official record in this application.

The following printed publications are referred to in the body of the specification:

- U.S. Patent No. 5,585,400 on 12/17/96 to Cook *et al.*
- U.S. Patent No. 5,674,901 on 10/7/97 to Cook *et al.*
- U.S. Patent No. 5,430,066 on 7/4/95 to Cook *et al.*
- U.S. Patent No. 5,554,646 on 9/10/96 to Cook *et al.*
- U.S. Patent No. 5,428,072 on 6/27/95 to Cook *et al.*
- U.S. Patent No. 3,162,658 on 12/22/64 to Baltes *et al.*
- U.S. Patent No. 4,164,505 on 08/14/79 to Krajca

- U.S. Patent No. 2,242,230 on 5/20/1941 to Burr
- U.S. Patent No. 2,350,583 on 06/06/1944 to Bradley
- U.S. Patent No. 4,381,264 on 4/26/1983 to Struve
- GB 588,881
- Ha, *et al.*, Cancer Res., 50: 1097 [1990]
- Birt, *et al.*, Cancer Res., 52: 2035s [1992]
- Ip, Am. J. Clin. Nutr., 66 (6 Supp): 1523s [1997]
- Aneja, *et al.*, J. Dairy Sci., 43: 231 [1990]
- Shanta, *et al.*, Food Chem., 47: 257 [1993]
- Shanta, *et al.*, J. Food Sci., 60: 695 [1995]
- Parodi, *et al.*, J. Dairy Sci., 60: 1550 [1977]
- Chin, *et al.*, J. Food Comp. Anal., 5: 185 [1992]
- Chin, *et al.*, J. Nutrition, 124: 694 [1994]
- Kepler *et al.*, J. of Biol. Chem. 241:1350 (1966)
- Holman *et al.*, "Unusual Isomeric Polyunsaturated Fatty Acids in Liver Phospholipids of Rats Fed Hydrogenated Oil," PNAS 88:4830-34 (1991)

The following pending applications and patents are related to the instant application:

- U.S.S.N. 10/700000, filed November 11, 2003
- U.S.S.N. 09/949458, filed September 7, 2001
- U.S. Patent No. 6,060,514 on 5/9/2000 to Jerome *et al.*
- U.S. Patent No. 6,242,621 on 6/5/01 to Jerome *et al.*
- U.S. Patent No. 6,214,372 on 6/5/01 to Jerome *et al.*
- U.S. Patent No. 6,696,584 on Feb 24, 2004 to Jerome *et al.*
- U.S. Patent No. 6,225,486 on 5/1/01 to Saebo *et al.*
- U.S. Patent No. 6,333,353 on 12/25/01 to Saebo *et al.*
- U.S. Patent No. 6,465,666 on 10/18/02 to Jerome *et al.*

The Examiner's attention is especially directed to the following patents and publications:

- U.S. Patent No. 6,184,009 on 2/6/01 to Cain *et al.*
- U.S. Patent No. 6,534,110 on 3/18/03 Cain *et al.*
- U.S. Patent No. 6,534,663 on 3/18/03 Cain *et al.*
- U.S. Patent No. 6,692,762 on 2/17/03 Cain *et al.*
- WO 97/18320 published on 05/22/97

Applicants have become aware of the following printed publications which may be material to the examination of this application:

- U.S. Patent No. 4,232,052 on 11/4/80
- U.S. Patent No. 6,015,833 on 1/18/2000 to Saebo *et al.*
- U.S. Patent No. 5,856,149 on 01/05/99 to Pariza *et al.*
- U.S. Patent No. 5,814,663 on 09/29/98 to Cook *et al.*
- U.S. Patent No. 5,804,210 on 09/08/98 to Cook *et al.*
- U.S. Patent No. 5,827,885 on 10/27/98 to Cook *et al.*
- U.S. Patent No. 5,851,572 on 12/22/98 to Cook *et al.*
- U.S. Patent No. 5,855,917 on 01/05/99 to Cook *et al.*
- U.S. Patent No. 3,278,567 on 10/11/1966 to Rathjen *et al.*
- U.S. Patent No. 3,729,379 on 4/24/1973 to Emken
- U.S. Patent No. 5,017,614 on 5/21/1991 to Pariza *et al.*
- U.S. Patent No. 5,070,104 on 12/3/1991 to Pariza *et al.*
- U.S. Patent No. 5,208,356 on 5/4/1993 to Pariza *et al.*
- U.S. Patent No. 5,725,873 on 3/10/1998 to Cook *et al.*
- U.S. Patent No. 5,760,082 on 6/2/1998 to Cook *et al.*
- U.S. Patent No. 5,760,083 on 6/2/1998 to Cook *et al.*
- U.S. Patent No. 5,986,116 on 11/16/99 to Iwata *et al.*
- U.S. Patent No. 5,885,594 on 03/23/99 to Nilsen *et al.*
- U.S. Patent No. 5,468,887 on 11/21/91 to Gupta

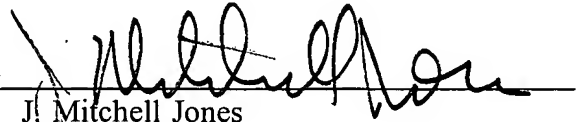
- U.S. Patent No. 5,288,619 on 02/22/94 to Brown *et al.*
- U.S. Patent No. 6,160,140 on 12/12/2000 to Bhaggan *et al.*
- U.S. Patent No. 6,271,404 on 8/7/2001 to Bhaggan *et al.*
- U.S. Patent No. 6,184,009 on 2/6/01 to Cain *et al.*
- U.S. Patent No. 6,034,132 on 3/7/00 to Remmereit
- U.S. Patent No. 6,042,869 on 3/28/00 to Remmereit
- U.S. Patent No. 6,019,990 on 2/1/99 to Remmereit
- U.S. Patent No. 6,440,931 on 8/27/02 to Remmereit *et al.*
- U.S. Patent No. 6,203,843 on 3/20/01 to Remmereit
- U.S. Patent No. 6,344,230 on 2/5/03 to Remmereit
- U.S. Patent No. 6,432,469 on 8/13/02 to Remmereit
- U.S. Patent No. 6,410,761 on 6/25/02 to Saebo *et al.*
- U.S. Patent No. 6,380,409 on 4/30/02 to Saebo *et al.*
- U.S. Patent No. 6,524,527 on 2/25/03 to Saebo *et al.*
- U.S. Patent No. 6,610,868 on 8/26/03 to Saebo *et al.*
- U.S. Patent No. 6,677,470 on 1/13/04 to Saebo
- WO 97/46230 published on 12/11/97
- EP 779,033 A1 issued on 6/18/97
- WO 98/05318 published on 2/12/98
- WO 98/05319 published on 2/12/98
- WO 97/46118 published on 12/11/97
- WO 98/49129 published on
- WO 96/34855 published on 1/7/96
- WO 97/37546 published on 10/16/97
- WO 96/38137 published on 12/05/96
- WO 01/44485 A published on 21/07/2001
- WO 01/53512 A published on 26/07/2001
- DE 199 14 279 C1
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- DE 199 40 752 A1
- DE 199 40 751 A1

- EP 0950410 issued on 18/12/ 2000
- Scholfield et al., JAOCS 47(8):303 (1970)
- Berdeau et al., JAOCS 74:1749-55 (1998)
- Marcel S.F. Lie Ken Jie and J. Mustafa, *Lipids*, 32 (10) 1019-34 (1997)
- Ciganek *et al.* in J.Org.Chem. 35:1725 (1970)
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- Christie *et al.*, "Isomers in Commercial Samples of Conjugated Linoleic Acid," *JAOCS* 74 (11):1231 (1997)
- W. Parodi, *J. Nutr.* 127(6):1055-60 (1997)
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- Sugano *et al.*, "Conjugated Linoleic Acid Modulates Tissue Levels of Chemical Mediators and Immunoglobulins in Rats," *Lipids*, 33(5):521-27 (1998)
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- Hudtwalcker & Co. AS Technical Data Sheet, exact publication date unknown
- Lipid Technology Newsletter, Peter J. Barnes, Ed., Vol. 4, No. 5, pp 85-86 (October, 1998)
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- Theil *et al.*, "Conjugated Linoleic Acid Improves Performance and Body Composition in Swine," Iowa State University, Midwest Animal Sciences Meeting, Abstract 127:61 (1998)
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- Dugan *et al.*, "The Effect of Conjugated Linoleic Acid on Fat to Lean Repartitioning and Feed Conversion in Pigs," *Canadian Journal of Animal Science* 77:723-725 (1997)
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- Jie *et al.*, "Synthesis and Nuclear Magnetic Resonance Properties of All Geometrical Isomers of Conjugated Linoleic Acids," *Lipids* 32(10):1041-1044 (1997)
- Arcos *et al.*, "Rapid Enzymatic Production of acylglycerols from conjugated linoleic acid and glycerol in the solvent-free system," *Biotechnology Letters* 20:617 (1998)
- Radlove *et al.*, "Catalytic Isomerization of Vegetable Oils," *Ind. Eng. Chem.* 38(10):997-1002 (1946)
- Sebedio *et al.*, "Linoleic Acid Isomers in Heat Treated Sunflower Oils," *JAACS* 65(3):362-366 (1988)
- Sebedio *et al.*, "Metabolites of Conjugated Isomers of Linoleic Acid (CLA) in the Rat," *Biochem. Biophys. Acta* 1345:5-10 (1997)
- Park *et al.*, "Effect of Conjugated Linoleic Acid on Body Composition in Mice," *Lipids* 32(8):853-58 (1997)
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- Bretillon *et al.*, *Lipids* 34:965 (1999)
- Janssen *et al.*, *Biomedical And Environmental Mass Spectrometry* 16:1-6 (1988)
- Park *et al.*, *Lipids* 34:235-241 (1999)
- Sebedio *et al.*, *Lipids* 34:1319-1325 (1999)
- Zambell *et al.*, *Lipids* 35:777-782 (2000)
- Blankson *et al.*, *American Society for Nutritional Sciences* 1-6 (2000)
- Yurawecz *et al.*, *Lipid* 8:277-282 (1999)
- Banni *et al.*, *J. Lipid Research* 42:1056 (2001)

This Information Disclosure Statement under 37 C.F.R. §§ 1.56 and 1.97 is not to be construed as a representation that a search has been made, that additional information material to the examination of this application does not exist, or that any one or more of these citations constitutes prior art.

Dated: March 22, 2004

  
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FORM PTO-1449  
(Modified)U.S. Department of Commerce  
Patent and Trademark OfficeAttorney Docket No.: CONLINCO-  
08440

Serial No.: 10/700,000

INFORMATION DISCLOSURE STATEMENT BY APPLICANT  
(Use Separate Sheets If Necessary)

(37 CFR § 1.98(b))

Applicant: Jerome *et al.*

Filing Date: 11/03/03

Group Art Unit:

## U.S. PATENT DOCUMENTS

Examiner Initials	Cite No.	Serial / Patent Number	Issue Date	Applicant / Patentee	Class	Subclass	Filing Date
	1	5,585,400	12/17/96	Cook, <i>et al.</i>	514	560	2/27/96
	2	5,674,901	10/7/97	Cook, <i>et al.</i>	514	558	6/2/95
	3	5,430,066	7/4/95	Cook <i>et al.</i>	514	558	4/29/92
	4	5,554,646	9/10/96	Cook, <i>et al.</i>	514	560	8/29/94
	5	5,428,072	6/27/95	Cook, <i>et al.</i>	514	560	1/22/93
	6	6,015,833	1/18/2000	Saebo <i>et al.</i>	514	558	3/17/98
	7	6,060,514	5/9/2000	Jerome <i>et al.</i>	514	560	5/4/98
	8	3,162,658	12/22/64	Baltes <i>et al.</i>	260	405.6	11/21/60
	9	4,232,052	11/4/80	Nappen	426	601	3/12/79
	10	4,164,505	08/14/79	Krajca	260	405.6	07/08/77
	11	5,856,149	01/05/99	Pariza <i>et al.</i>	435	134	12/03/96
	12	5,814,663	09/29/98	Cook <i>et al.</i>	514	560	08/28/96
	13	5,804,210	09/08/98	Cook <i>et al.</i>	424	440	08/07/96
	14	5,827,885	10/27/98	Cook <i>et al.</i>	514	558	08/18/97
	15	6,524,527	0/24/03	Saebo			
	16	6,610,868	08/26/03	Saebo			
	17	6,677,740	01/13/04	Saebo			
	18	6,465,666	10/15/02	Jerome <i>et al.</i>	554	224	2/21/01
	19	6,695,584	2/24/04	Jerome <i>et al.</i>			
	20	6,534,110	3/18/03	Cain <i>et al.</i>			
	21	6,534,663	3/18/03	Cain <i>et al.</i>			
	22	6,692,762	2/17/03	Cain <i>et al.</i>			
	23	09/949,458	9/7/01				
	24	10/700,000	11/11/03				

## 16 OTHER DOCUMENTS (Including Author, Title, Date, Relevant Pages, Place of Publication)

	25	Parodi, <i>et al.</i> , <i>J. Dairy Sci.</i> , 60: 1550 [1977]
	26	Chin, <i>et al.</i> , <i>J. Food Camp. Anal.</i> , 5: 185 [1992]
	27	Chin, <i>et al.</i> , <i>J. Nutrition</i> , 124: 694 [1994]
	28	Scholfield <i>et al.</i> , <i>JAOCS</i> 47(8):303 (1970)
	29	Berdeau <i>et al.</i> , <i>JAOCS</i> 74:1749-55 (1998)
	30	Marcel S.F. Lie Ken Jie and J. Mustafa, <i>Lipids</i> , 32 (10) 1019-34 (1997)
	31	Ciganek <i>et al.</i> in <i>J.Org.Chem.</i> 35:1725(1970)

Examiner:

Date Considered:

EXAMINER:

Initial citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM PTO-1449 (Modified)		U.S. Department of Commerce Patent and Trademark Office		Attorney Docket No.: CONLINCO-08440		Serial No.: 10/2700,000	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (Use Several Sheets If Necessary)				Applicant: Jerome <i>et al.</i>			
				Filing Date: 11/03/03		Group Art Unit:	
(37 CFR § 1.98(b))							
U.S. PATENT DOCUMENTS							
Examiner Initials	Cite No.	Serial / Patent Number	Issue Date	Applicant / Patentee	Class	Subclass	Filing Date
	32	5,851,572	12/22/98	Cook <i>et al.</i>	426	2	04/25/97
	33	5,855,917	01/05/99	Cook <i>et al.</i>	424	502	12/04/96
	34	2,242,230	5/20/1941	Burr	260	398	06/22/38
	35	2,350,583	06/06/1944	Bradley	260	195.6	02/08/41
	36	3,162,658	12/22/1964	12/1964	260	405.6	11/21/60
	37	3,278,567	10/11/1966	Rathjen <i>et al.</i>	260	405.6	01/19/65
	38	3,729,379	4/24/1973	Emken	195	30	08/31/71
	39	5,017,614	5/21/1991	Pariza <i>et al.</i>	514	558	2/17/89
	40	5,070,104	12/3/1991	Pariza <i>et al.</i>	514	549	2/2/90
	41	5,208,356	5/4/1993	Pariza <i>et al.</i>	554	79	3/3/91
	42	5,725,873	3/10/1998	Cook <i>et al.</i>	424	442	7/22/96
	43	5,760,082	6/2/1998	Cook <i>et al.</i>	514	560	6/7/96
	44	5,760,083	6/2/1998	Cook <i>et al.</i>	514	560	8/7/96
	45	4,381,264	4/26/1983	Struve	260	405.6	5/20/81
	46	5,986,116	11/16/99	Iwata <i>et al.</i>	554	126	10/24/97
	47	5,885,594	03/23/99	Nilsen <i>et al.</i>	424	401	03/27/97
	48	5,468,887	11/21/91	Gupta	554	169	03/13/93
	49	5,288,619	02/22/94	Brown <i>et al.</i>	435	134	06/22/92
	50	6,160,140	12/12/2000	Bhaggan <i>et al.</i>	554	126	9/11/98
	51	6,184,009	2/6/01	Cain <i>et al.</i>	435	134	9/30/98
	52	6,217,404	8/7/2001	Bhaggan <i>et al.</i>	554	126	7/14/00
	53	6,034,132	3/7/00	Remmereit	514	560	3/19/98
	54	6,042,869	3/28/00	Remmereit	426	630	2/20/98
	55	6,019,990	2/1/99	Remmereit	424	401	11/21/97
	56	6,440,931	8/27/02	Remmereit <i>et al.</i>	514	3	2/22/2000
	57	6,203,843	3/20/01	Remmereit	426	630	2/17/2000
	58	6,344,230	2/5/03	Remmereit	426	601	12/20/2000
	59	6,432,469	8/13/02	Remmereit	426	630	10/19/2001
	60	6,225,486	5/1/01	Saebo <i>et al.</i>	544	221	3/17/99
	61	6,410,761	6/25/02	Saebo <i>et al.</i>	554	126	3/17/99
	62	6,242,621	6/5/01	Jerome <i>et al.</i>	554	224	11/10/99
	63	6,380,409	4/30/02	Saebo <i>et al.</i>	554	126	4/24/2000
	64	6,214,372	4/10/01	Jerome <i>et al.</i>	424	439	5/4/98
	65	6,333,353	12/25/01	Saebo <i>et al.</i>	514	558	1/30/2001
Examiner:				Date Considered:			
<b>EXAMINER:</b> Initial citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							

FORM PTO-1449 (Modified)		U.S. Department of Commerce Patent and Trademark Office		Attorney Docket No.: CONLINCO-08440	Serial No.: 10/700,000			
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (Use Several Sheets If Necessary)				Applicant: Jerome <i>et al.</i>				
				Filing Date: 11/03/03	Group Art Unit:			
(37 CFR § 1.98(b))								
<b>FOREIGN PATENTS OR PUBLISHED FOREIGN PATENT APPLICATIONS</b>								
		Document Number	Publication Date	Country / Patent Office	Class	Subclass	Translation	
							Yes	No
	66	WO 97/46230 ✓	12/11/97	PCT				
	67	WO 98/05318 ✓	2/12/98	PCT				
	68	WO 98/05319 ✓	2/12/98	PCT				
	69	WO 97/46118 ✓	12/11/97	PCT				
	70	WO 97/18320 ✓	05/22/97	PCT				
	71	779,033 A1 ✓	6/18/97	EP				
	72	WO 98/49129 ✓	11/5/98	PCT				
	73	WO 96/34855 ✓	11/7/96	PCT				
	74	WO 97/37546 ✓	10/16/97	PCT				
	75	WO 96/38137 ✓	12/05/96	PCT				
	76	WO 01/44485 A ✓	21/07/2001	PCT				
	77	WO 01/53512 A ✓	26/07/2001	PCT				
	78	0950410 ✓	18/12/ 2000	EP				
	79	558,881 ✓		GB				
	80 ✗	DE 199 14 279 C1	25/3/99	Germany				X
	81	DE 199 22 942 A1 ✓	14/5/99	Germany				X
	82	DE 199 40 752 A1 ✓	27/8/99	Germany				X
	83	DE 199 40 751 A1 ✓	27/8/99	Germany				X
<b>OTHER DOCUMENTS (Including Author, Title, Date, Relevant Pages, Place of Publication)</b>								
	84	Cowan, "Isomerization and Trans-Esterification," <i>JAOCS</i> 72:492-99 (1950)						
	85	Christie <i>et al.</i> , "Isomers in Commercial Samples of Conjugated Linoleic Acid," <i>JAOCS</i> 74 (11):1231 (1997)						
	86	W. Parodi, <i>J. Nutr.</i> 127(6):1055-60 (1997)						
	87	Belury, "Conjugated Dienoic Linoleate: A Polyunsaturated Fatty Acid with Unique Chemoprotective Properties," <i>Nut. Rev.</i> 53(4):83-9 (1995)						
	88	Sehat <i>et al.</i> , <i>Lipids</i> 33(2):217-21 (1998)						
	89	Aneja, <i>et al.</i> , <i>J. Dairy Sci.</i> , 43: 231 [1990]						
	90	Shanta, <i>et al.</i> , <i>Food Chem.</i> , 47: 257 [1993]						
	91	Shanta, <i>et al.</i> , <i>J. Food Sci.</i> , 60: 695 [1995]						
Examiner:				Date Considered:				
<b>EXAMINER:</b> Initial citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form 80 with next communication to applicant.								

FORM PTO-1449  
(Modified)U.S. Department of Commerce  
Patent and Trademark OfficeAttorney Docket No.: CONLINCO-  
08440

Serial No.: 10/700,0005

**INFORMATION DISCLOSURE STATEMENT BY APPLICANT**  
(Use Several Sheets If Necessary)

(37 CFR § 1.98(b))

Applicant: Jerome *et al.*

Filing Date: 11/03/03

Group Art Unit:

**OTHER DOCUMENTS** (Including Author, Title, Date, Relevant Pages, Place of Publication)

92	Ron Udell, Information About Conjugated Linoleic Acid, published by Soft Gel Technologies Incorporated
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